

## UNITED STATES DISTRICT COURT

for the

Northern District of California

**FILED**  
APR 1, 2024Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

United States of America

v.

Inut-Ovidiu Sopirla,

Case No. 4:24-mj-70519-MAG

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 1, 2024 in the county of Alameda in the  
Northern District of California, the defendant(s) violated:*Code Section*

18 USC 1029(a)(2)

*Offense Description*

Use of Unauthorized Access Device

Max. Penalties

10 years prison

\$250,000 fine

3 years of supervised release

\$100 special assessment

forfeiture

This criminal complaint is based on these facts:

See attached affidavit of USSS Special Agent Ian Benney

☒ Continued on the attached sheet.Approved as to form Zachary M. Glimcher  
SAUSA Zachary M. Glimcher/s/ Ian Benney*Complainant's signature*

Ian Benney, Special Agent

*Printed name and title*

Sworn to before me by telephone.

Date: 04/01/2024City and state: Oakland, CAKandis Westmore  
*Judge's signature*

Hon. Kandis A. Westmore

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Ian Benney, a Special Agent with the United States Secret Service (“USSS”), being duly sworn, depose and state as follows:

**PURPOSE OF AFFIDAVIT**

1. This affidavit is made in support of an application under Rule 4 of the Federal Criminal Procedure for a criminal complaint and arrest warrant for Inut-Ovidiu Sopirla (“SOPIRLA”) for a violation of Title 18 United States Code Section 1029(a)(2), Use of Unauthorized Access Devices, on or about April 1, 2024, in the Northern District of California.

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

**BACKGROUND OF AFFIANT**

3. I have been employed as a Special Agent (“SA”) with the United States Secret Service (“USSS”) since February 2000. In this capacity, I am responsible for investigating violations of federal criminal laws relating to financial institution fraud, credit card fraud, bank fraud, cybercrimes, and identity theft.

4. I am a graduate of the Criminal Investigator Training Program conducted at the Federal Law Enforcement Training Center in Glynco, Georgia, as well as the USSS Special Agent Training Course in Beltsville, Maryland. I have received advanced training in financial and cybercrime investigations including the Basic Investigation of Computers and Electronic Crimes Program, Basic Network Intrusion Responder Training, and I have received continued education related to the investigation and prosecution of cybercrimes. I have participated in multiple investigations in connection with fraud and cybercrimes.

5. I am empowered by law to conduct investigations, to execute search warrants, and to make arrests for violations of federal criminal law, including 18 U.S.C. § 1029, and other offenses relating to financial fraud.

#### **APPLICABLE STATUTES**

6. Section 1029(a)(2) of Title 18 of the United States Code provides “[w]hoever, knowingly and with intent to defraud uses one or more unauthorized access devices during any one-year period, and such conduct obtains anything of value aggregating \$1000 or more during that period, shall be . . . imprisoned not more than 10 years.” Further, subsection (b)(1) provides “[w]hoever attempts to commit an offense under subsection (a) of this section shall be subject to the same penalties as those prescribed for the offense attempted.”

#### **STATEMENT OF PROBABLE CAUSE**

7. Based on my review of law enforcement reports, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

##### **A. Summary of Probable Cause**

8. Between January 2024 and March 2024, the California Department of Social Services has detected more than approximately \$22.8 million in stolen funds from victim Electronic Benefit Transfer (“EBT”) cards. Much of this fraud is from one specific program known as CalFresh, which helps low-income households purchase food and household items to meet their nutritional needs. Many of the fraudulent withdrawals are done at specific ATMs in the Northern District of California.

9. For example, between on or about January 1, 2024, and on or about January 2, 2024, more than approximately \$77,535 was withdrawn from ATMs at a single financial institution branch located in San Leandro, California in Alameda County. The unauthorized withdrawals conducted during these two days and at this single bank branch affected approximately 88 victim EBT cardholders. The dates of these withdrawals coincided with the disbursement by California Department of Social Services (hereinafter “DSS”) of CalFresh benefits to EBT cardholders.

10. Law enforcement also reviewed ATM surveillance provided by financial institutions that administer EBT accounts that relate to the fraud scheme at issue. During the unauthorized ATM withdrawals, suspects can often be seen holding stacks of cards and conducting withdrawals in quick succession at one ATM.

11. On or about April 1, 2024, law enforcement conducted physical surveillance in the area of multiple U.S. Bank ATM terminals, when U.S. Bank notified law enforcement that an individual at one of the U.S. Bank ATM terminal was conducting multiple EBT transactions. This U.S. Bank ATM terminal was identified by law enforcement as one of the top 30 ATM U.S. Bank and BMO Bank locations for CalFresh fraud. U.S. Bank surveillance footage showed Sopirla at the ATM conducting these transactions. The transactions totaled over \$1000.00.

#### **B. Regulatory Background of CalFresh Program**

12. The California Department of Social Services (DSS) is a government agency that administers several benefit and assistance programs for residents of the state of California. One of the assistance programs administered by DSS is called CalFresh (formerly known as food stamps), which helps low-income households purchase food and household items to meet their nutritional needs.

13. Residents of California that meet the criteria established by the CalFresh program can apply online for benefits at [www.getcalfresh.org](http://www.getcalfresh.org).

14. CalFresh benefits are issued through Electronic Benefit Transfer cards (“EBT cards”). EBT cards are mailed to an address designated by the account holder and function like traditional debit cards to conduct transactions. For example, you can use an EBT card to make a purchase at a grocery or convenient store by swiping the card at a point-of-sale terminal.

15. The EBT cards issued under this program are assigned specific Bank Identification Numbers (“BIN”). A BIN refers to the first five digits of the account number on a debit or credit card and can be used to identify the benefit program, like the CalFresh program, associated with the card.

16. Benefits received through the program are typically disbursed to EBT cardholders by DSS during the early days of each month. Those benefits are deposited directly from DSS into the account of the EBT cardholder. The CalFresh Program is for low-income individuals who meet certain federal income eligibility rules and want to add to their budget to purchase healthier food options. Beneficiaries apply for benefits by submitting their income and number of dependents to determine their benefit eligibility. Those benefits are distributed once a month, typically during the early days of each month.

17. The CalFresh Program allows EBT cardholders to conduct cash withdrawals at automated teller machines (ATMs) using a personal identification number (PIN) established by the card holder. The EBT cardholder presents the card at an ATM, inserts the card into the ATM card reader, and utilizes a PIN to withdraw the funds previously deposited by the CalFresh Program

### **C. Background on CalFresh Fraud in California**

18. A cloned card can be a blank white plastic card or another debit, credit or gift card that contains altered information on the card's magnetic stripe. Based on my training and experience, I know that suspects will often clone cards by taking stolen card information from a victim card's magnetic stripe and re-encode that stolen information onto another card's magnetic stripe. Cloning these cards allows the suspect to use the card and the DSS benefits added on to the account linked to the card for illicit purchases or unauthorized cash withdrawals.

19. On a legitimate debit or credit card, the information coded on the card's magnetic stripe will match the information embossed on the front of the card. This information includes the account number, expiration date, and cardholder's name, among other information. Whereas on a cloned card, the information coded on the magnetic stripe will not match the information embossed on the front of the card. For example, if a suspect re-encodes victim EBT card information onto a pre-existing gift card's magnetic stripe or a blank white plastic card with a magnetic stripe, the magnetic stripe will be coded with the EBT card information, but the card

itself will still bear the information of the gift card or bear no information if it is a blank white plastic card.

20. Based on my training, experience, and participation in this investigation, I know that the victim card data harvested to clone cards is often obtained from what is colloquially referred to as “skimming activity.”

21. The term “skimming” is used to describe activity that involves unlawfully obtaining debit and credit card information by using technological devices to surreptitiously record victim accountholder’s debit and credit card numbers and personal identification numbers at, for example, ATMs or point-of-sale terminals. For example, individuals conducting ATM “skimming” may install a skimming device into the card reader of the ATM to record the debit or credit card numbers, as well as a camera or keypad overlay on the ATM keypad to record the associated PIN number. Those individuals will then return to the ATM to collect the card number and PIN information stored on the installed device.

22. As described above, suspects then manufacture cloned and fraudulent debit or credit cards that bear the victim accountholder’s account information that was obtained from skimming. Once that information is loaded onto another fraudulent card (e.g., a gift card or blank plastic card), members of the scheme then use that fraudulent card to withdraw cash from the victim accountholder’s bank accounts or to make purchases with the victim accountholder’s account.

#### **D. Background of Current Operation to Combat CalFresh Fraud**

23. Data provided by DSS, based in part upon reported fraud by victims, reported fraud to local law enforcement, bank records, and surveillance indicates that as of in or about January 2024, there has been approximately \$971,757 in stolen funds from victim EBT cards in the Northern District of California.

24. Between in or about January 2024 and in or about March 2024, in the Northern District of California and elsewhere, more than approximately \$22.8 million has been stolen

from victim EBT cards. The majority of these stolen funds have been obtained by unauthorized ATM withdrawals.

25. In early January 2024, more than approximately \$9.6 million was stolen from victim EBT cards across California largely through unauthorized ATM withdrawals. Of the approximately \$9.6 million stolen from victim EBT cards in the beginning of January 2024, more than approximately \$458,844 was stolen, almost entirely through unauthorized ATM withdrawals, in Alameda County alone.

26. For example, in early January 2024, more than approximately \$127,720 was withdrawn from ATMs at a single financial institution branch located in Berkeley, California in Alameda County. The unauthorized withdrawals conducted during these days and at this single bank branch affected approximately 53 victim EBT cardholders. The dates of these withdrawals coincided with the disbursement by DSS of CalFresh benefits to EBT cardholders.

27. Based upon my training and experience conducting access device fraud investigations, I know that suspects committing access device fraud schemes will often target particular BINs when harvesting stolen card information collected from skimming devices. Thus, suspects using skimming may target the BIN associated with CalFresh benefits. Moreover, based upon my training and experience, the sheer volume of unauthorized ATM withdrawals occurring during the early days of the month is further indicative that suspects participating in the fraud scheme at issue are targeting EBT cards because benefits are typically disbursed to EBT cardholders during the early days of each month.

28. Law enforcement has also reviewed ATM surveillance provided by financial institutions that administer EBT accounts that relate to the fraud scheme at issue. During the unauthorized ATM withdrawals, suspects can often be seen holding stacks of cards and conducting withdrawals in quick succession at one ATM. Based upon my training and experience, I know that suspects perpetrating access device fraud schemes will often conduct unauthorized withdrawals using cloned cards in rapid succession at ATMs.

29. Based upon the rapid succession of unauthorized ATM withdrawals being conducted, the fact that the cards being used to conduct the unauthorized cash withdrawals are nearly all cloned EBT cards, and the fact that nearly all of the unauthorized withdrawals are happening during the early days of the month, I believe that suspects participating in the fraud scheme at issue are ostensibly targeting EBT cards.

**E. SOPIRLA Committed CalFresh EBT Fraud Using Fraudulent Cards on April 1, 2024**

30. On or about April 1, 2024, at approximately 7:29 am, law enforcement conducted physical surveillance in the area of multiple U.S. Bank ATM terminals, when U.S. Bank notified law enforcement that an individual at the U.S. Bank ATM terminal located at 20629 Redwood Road Castro Valley, California was conducting multiple EBT transactions. This U.S. Bank ATM terminal was identified by law enforcement as one of the top 30 ATM U.S. Bank and BMO Bank locations for CalFresh fraud.

31. U.S. Bank surveillance footage showed SOPIRLA at the ATM; he conducted approximately eight transactions, involving six different credit/debit/gift cards. Those transactions included:

- a. two cash withdrawals, the first \$1,560 and the second \$760, and
- b. six transactions were balance inquiries.

32. Law enforcement approached SOPIRLA based on the information provided by U.S. Bank. When law enforcement approached SOPIRLA, he was sitting in the driver's seat of his vehicle. Law enforcement took SOPIRLA out of the car and eventually placed him under arrest.

33. Law enforcement then searched SOPIRLA incident to arrest, and recovered the following items:

- a. One card in SOPIRLA's right front pant pocket,
- b. Six cards in his left front pant pocket,
- c. \$2,320.00 in the left front pant pocket, and



d. Six U.S. Bank transaction receipts showing the transactions previously described.

34. SOPIRLA had approximately 11 card total and 7 of them were altered or cloned EBT. Of the altered or cloned cards, all 7 were California EBT.

35. Law enforcement confirmed these were altered or cloned EBT cards by reading the magnetic stripe and determined through United States Department of Agriculture Office of Inspector General that the cards belonged to other real individuals, not SOPIRLA. Moreover, the altered or cloned cards also were affixed with stickers bearing victim PIN numbers that corresponded to each cloned card and were needed in order to conduct the unauthorized ATM withdrawals.

### **CONCLUSION**

36. Based on the aforementioned facts and information, there is probable cause to believe that on or about April 1, 2024, in the Northern District of California, Inut-Ovidiu Sopirla used an unauthorized access device in violation of violation of Title 18 United States Code Section 1029(a)(2).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

/s/ Ian Benney  
IAN BENNEY, Special Agent  
United States Secret Service

Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim.P 4.1 and 4(d) on this 1st of April 2024.

  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge